

IDAHO BOARD OF OPTOMETRY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/25/2019

BOARD MEMBERS PRESENT: Raymond C Goodman, O.D. - Chair
Aaron J Warner, O.D.
Lance W Fagan, O.D.
Terri L Haley, O.D.
William Von Tagen

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Nicholas Krema, General Counsel
Cesley Metcalfe, Technical Records Specialist II
Arlen Donald, Technical Records Specialist I

OTHERS PRESENT: Greg Wilson, Office of the Governor
Randy Andregg, Idaho Optometric Physicians
Kris Ellis, Idaho Optometric Physicians

The meeting was called to order at 9:30 AM MST by Raymond C Goodman, O.D.

INTRODUCTIONS

Mr. Krema introduced himself to the Board.

APPROVAL OF MINUTES

Dr. Haley made a motion to approve the minutes of December 3, 2018 and January 25, 2019. It was seconded by Dr. Warner. Motion carried.

LEGISLATIVE REPORT

Ms. Packer gave the legislative report. She updated the Board on current legislation and said the deadline to submit proposed law and rule changes to the Governor's Office will be mid-July for the 2020 Legislative Session. Ms. Packer also informed the Board that during a recent conversation she had with Ken McClure, legal counsel for the Idaho Medical Association, he stated that he believes that waiting until next year to present legislation gives many association members time to come to a more agreeable position.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$84,700.48 as of January 31, 2019.

TRAVEL POLICY REVIEW

Ms. Eavenson reviewed the state travel policy with the Board.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Warner made a motion to approve the Bureau's recommendation and authorize closure in case I-OPT-2018-39. It was seconded by Dr. Haley. Motion carried.

Dr. Haley made a motion to accept the Continuing Education Unit (CEU) settlement in case OPT-2019-1 and authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. von Tagen. Motion carried.

Mr. von Tagen made a motion to accept the CEU settlement in case OPT-2019-2 and authorize the Board Chair to sign on behalf of the Board. It was seconded by Dr. Fagan. Motion carried.

Ms. Peel gave a brief review of CEU settlement direction previously given by the Board.

OLD BUSINESS

The Board reviewed the To Do List.

Ms. Packer stated that she will confer with Ms. Callahan and Mr. McQuade to ensure that questions posed by the Idaho Optometric Physicians regarding the current draft legislation have been addressed.

PROPOSED LAWS AND RULES

The Board agreed to continue working with interested parties on the rewrite of its Act with the goal of submitting the proposed law by the mid-July deadline. The Board is responsible for the main rewrite of the Act, including reformatting the law to comport with the Bureau template. The Idaho Optometric Physicians is responsible for rewriting the scope of practice and reaching out to interested parties, including the Idaho Board of Medicine and the Idaho Medical Association, to obtain input on the

scope. The responsibilities of the subcommittee were also reviewed. These responsibilities include working with legal counsel on the rewrite of the Act prior to review by the entire Board and attending any meetings with interested parties to observe discussions regarding scope of practice.

OPTOMETRIC EDUCATION (OE) TRACKING/CONTINUING EDUCATION AUDITS

The Board discussed providing an Optometric Education (OE) Tracker subscription to each Idaho licensee. Mr. Ellsworth notified the Board that it does not currently have the authority under its laws or rules to offer or require the use of OE Tracker. The Board also discussed the possibility of increasing the percentage of continuing education (CE) audits performed each year. The Board directed Bureau staff to research the cost of increasing the percentage of CE audits performed; to find out if it is possible to pull one report from OE Tracker that provides CE information for all Idaho licensed optometrists; and to add the discussion to the agenda for the next meeting.

NEW BUSINESS

PROPOSED LAWS AND RULES

The Board reviewed the Idaho Telehealth Access Act and discussed the possibility of adding a telehealth provision to its Act.

APPLICATION REVIEW PROCESS

The Board discussed the possibility of authorizing a Board Member to review and approve applications in between Board meetings. Dr. Warner made a motion to authorize the Board Chair to review and approve applications received between Board meetings. If the Board Chair has concerns about approving the application, it will be reviewed by the Board for determination. It was seconded by Dr. Haley. Motion carried.

ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) MEMBERSHIP DUES AND ANNUAL MEETING

The Board reviewed the ARBO membership dues invoice. Dr. Fagan made a motion to direct Bureau staff to pay the ARBO invoice. It was seconded by Mr. von Tagen. Motion carried.

The Board discussed the 2019 ARBO Annual Meeting information. Mr. von Tagen made a motion to authorize Dr. Haley to attend the annual meeting; for the Board Chair to authorize an alternate member to attend the meeting if scheduling conflicts arise; and for Bureau staff to pay the related expenses. It was seconded by Dr. Warner. Motion carried.

REQUESTS FOR RECONSIDERATION OF BOARD DECISIONS

Mr. Ellsworth reviewed the process for reconsideration of Board decisions and the 21-day time period in which a respondent can request reconsideration. Dr. Fagan made a motion to authorize the Board Chair to determine whether a meeting should be convened to reconsider a decision or to let the denial stand by operation of law. It was seconded by Mr. von Tagen. Motion carried.

CONTINUING EDUCATION WAIVERS

The Board discussed the review of CE waivers. Mr. von Tagen made a motion to authorize the Board Chair to review CE waivers received in between scheduled meetings. It was seconded by Dr. Fagan. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from the Association of Regulatory Boards of Optometry (ARBO) regarding the formation of a Council on Optometric Practitioner Education (COPE) Governing Committee. Mr. Andregg stated that the American Optometric Association (AOA) has been excluded from the committee. No action was taken.

The Board reviewed correspondence from ARBO regarding a new examination for laser and surgical procedures now offered by the National Board of Examiners in Optometry (NBEO). NBEO also announced that it is in the process of restructuring the current Part III Clinical Skills Examination (CSE). No action was taken.

EXECUTIVE SESSION

Dr. Fagan made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. Haley. The vote was: Dr. Goodman, aye; Dr. Fagan, aye; Dr. Warner, aye; Dr. Haley, aye; and Mr. von Tagen, aye. Motion carried.

Dr. Warner made a motion to come out of executive session. It was seconded by Dr. Fagan. The vote was: Dr. Goodman, aye; Dr. Fagan, aye; Dr. Warner, aye; Dr. Haley, aye; and Mr. von Tagen, aye. Motion carried.

NEXT MEETING was scheduled for May 13, 2019 at 9:30 AM MDT.

ADJOURNMENT

Mr. von Tagen made a motion to adjourn the meeting at 11:48 AM MST. It was seconded by Dr. Warner. Motion carried.

Raymond C Goodman, O.D., Chair

Aaron J Warner, O.D.

Lance W Fagan, O.D.

Terri L Haley, O.D.

William von Tagen

Kelley Packer, Bureau Chief